



STATE OF WASHINGTON

June 5, 2014

To benefit plan administrators, insurance companies, and employers:

It has come to our attention that some health plans have provided dependent coverage for opposite-sex spouses of employees or other insureds, but failed to provide coverage to same-sex spouses. We are concerned about legally married Washington residents who are negatively affected by this practice.

This practice violates Washington State law. In 2012, Washington voters approved Referendum 74, enacting marriage equality. The definition of "spouse" under Washington law now includes same-sex spouses [[RCW 26.04.010\(3\)](#)]. Refusing to provide dependent coverage to same-sex spouses when that coverage is provided to all other spouses is a practice that discriminates based on sexual orientation. Discrimination based on sexual orientation is prohibited by the Washington Law Against Discrimination and, in many circumstances, also violates the Washington Consumer Protection Act, which prohibits unfair or deceptive practices in trade or commerce [[RCW 49.60.030\(1\)](#); [RCW 19.86.020](#)]. Finally, discrimination on the basis of sexual orientation by fully insured plans in the business of insurance violates the Insurance Code [[RCW 48.30.300](#)]. While there are some exemptions to these prohibitions, they are quite limited.

The Attorney General's Office, the Human Rights Commission, and the Office of the Insurance Commissioner all play a role in protecting Washington residents from unfair or discriminatory practices. Our agencies intend to enforce state laws prohibiting sexual orientation discrimination. To that end, we are partnering to ensure that insurance policies and benefit plans that provide coverage for opposite-sex spouses of insureds or plan members also provide coverage to same-sex spouses.

We count on your compliance with these laws to ensure that all Washington residents are free from discrimination. For further information, please view the Frequently Answered Question sheet, [here](#).

Sincerely,

Handwritten signature of Bob Ferguson in blue ink.

Bob Ferguson
Washington Attorney General

Handwritten signature of Mike Kreidler in blue ink.

Mike Kreidler
Washington Insurance Commissioner

Handwritten signature of Sharon Ortiz in blue ink.

Sharon Ortiz
Executive Director
Washington Human Rights Commission